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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,699	07/27/2000	William John Jones	A-68744/JGW	9907

22242 7590 10/28/2004

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EXAMINER

TODD, GREGORY G

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

9/A

<b>Office Action Summary</b>	<b>Application No.</b> 09/626,699	<b>Applicant(s)</b> JONES ET AL.	
	<b>Examiner</b> Gregory G Todd	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This is a second office action in response to applicant's amendment filed 06 July 2004 of application filed, with the above serial number, on 27 July 2000 in which claims 1, 2, 4, 5, 7, 10-13, and 17-19 are amended. Claims 1-20 are therefore pending in the application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Fujiwara et al (hereinafter "Fujiwara", 6,064,879).

As per Claims 1, 11, and 17, Fujiwara discloses a method, system, and computer program storage device having a computer program stored thereon for registering a user in a wireless access network system, wherein Fujiwara discloses:

(a) the user establishing an anonymous communication session with the network via wireless user equipment connected to a computer and a predetermined registration software program for communication with a registration server arrangement using a

predetermined temporary ID and a predetermined temporary password (temporary telephone number and ID) (at least col. 3 line 60 - col. 4 line 5);

(b) the wireless access network system authenticating the predetermined temporary ID and the predetermined temporary password, and in dependence on authentication establishing a point-to-point protocol link between the user and the registration server arrangement (authenticating temporary information) (at least col. 1, lines 31-60; col. 3 line 60 - col. 4 line 5);

(c) the user completing registration with the registration server arrangement using the computer (user entering information) (at least col. 7, lines 3-53); and

(d) the registration server arrangement passing to the user a permanent ID and permanent password for use by the user to subsequently access the network system (at least col. 7 line 54 - col. 8 line 16).

As per Claim 2.

wherein the user running the predetermined software program on the computer to which the user equipment is connected (software on mobile unit) (at least col. 4, lines 35-52), and storing the permanent ID and permanent password at the computer (permanent information written to mobile unit) (at least col. 4, lines 35-52).

As per Claim 3.

wherein the software program resides on a portable data carrier which is inserted at least proximal to the computer (at least col. 3 line 60 - col. 4 line 10).

As per Claim 6, 14.

wherein the system is a cellular wireless Internet access system (at least col. 3, line 60-67; Fig. 1,4).

As per Claim 8.

wherein the user equipment is portable, wherein the registration may be effected without prior registration formalities (at least col. 3, lines 60-67; col. 2, lines 35-62).

As per Claim 10, Fujiwara discloses a wireless user equipment arrangement for use with a wireless access network system, wherein Fujiwara discloses:

wireless user equipment (at least Fig. 1); and

a data carrier holding a registration software program including a predetermined temporary ID and a predetermined temporary password, for running on a computer to register a user with the wireless access network system during an anonymous secure communication session without prior registration formalities (at least col. 3 line 60 - col. 4 line 5).

As per Claim 18, Fujiwara discloses a method of operating a cellular wireless Internet access system as part of an Internet Network including registration of new wireless Internet access customers/users having a personal computers (PCs) where each user utilizes a portable user equipment with a directly attached antenna for communicating in a wireless manner with a integrated network controller, wherein Fujiwara discloses:

the user acquiring said user equipment along with a storage device having predetermined software and data for use in said registration (at least col. 2, lines 35-52; col. 3 line 60 - col. 4 line 35);

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connecting said user equipment to said PC and installing the storage device in the PC and allowing said predetermined software to control the PC and its connected user equipment (at least col. 2, lines 35-52; col. 3 line 60 - col. 4 line 35);

commanding the user equipment under the direction of said software in the PC, to communicate in a wireless manner using an anonymous communications session which permits it to communicate only with a predetermined registration web server via authentication of a predefined 'new user' temporary ID and a predefined 'new user' password stored on the storage device (temporary telephone number and ID) (at least col. 3 line 60 - col. 4 line 5);

if properly authenticated, setting up a point-to-point protocol between the PC with its associated user equipment and the registration web server, and then entering personal and financial information and type of service required (authenticating temporary information) (at least col. 1, lines 31-60; col. 3 line 60 - col. 4 line 5), and

selecting an ISP from a web server list of allowable ISPs and downloading, if required, their respective registration software (authenticating temporary information) (at least col. 1, lines 31-60; col. 3 line 60 - col. 4 line 5);

if authorized by said web server, giving, to the user a permanent user ID and a permanent password and providing said user ID and password to an access operator authentication server as part of the Internet network (at least col. 7 line 54 - col. 8 line 16);

thereafter, allowing wireless Internet connections to said ISP for an Internet session which is authorized using customer information acquired by such registration (at least col. 7 line 54 - col. 8 line 16).

As per Claim 20.

where portable wireless Internet users can register with a predetermined wireless Internet access operator without having to sign up for service at a retail outlet (at least col. 7, lines 3-52).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9, 15-16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara et al (hereinafter "Fujiwara", 6,064,879) in view of Rai et al (hereinafter "Rai", 6,675,208) .

As per Claims 7, 15 and 19.

Fujiwara fails to explicitly disclose a server operating in the RADIUS standard. However, the use and advantages for using such a standard is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rai (at least Fig. 21; col. 9, lines 44-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of



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RADIUS into Fujiwara's system as this would clearly enhance Fujiwara's system because RADIUS is a defined IETF standard for authentication and registration purposes and thus would allow Fujiwara's system to operate under the standard.

As per Claim 9, 16.

Fujiwara fails to explicitly disclose the system is a UMTS system. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rai (cdma) (at least col. 5, lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of UMTS/CDMA into Fujiwara's system as this is a very well known cellular technology that Fujiwara's mobile unit could benefit for operating on.

6. Claims 4-5 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara et al (hereinafter "Fujiwara", 6,064,879) in view of Rollender (hereinafter "Rollender", 6,192,242) .

Fujiwara fails to explicitly disclose user registering with a selected service provider. However, the use and advantages for using such a service is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Rollender (at least col. 1, lines 14-45). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Rollender's service provider choosing into Fujiwara's system as this would allow the user to use the pre-registered mobile unit with any service provider upon initial connection and not be limited to any one specific service provider.

### ***Response to Arguments***

7. Applicant's arguments filed 06 July 2004 have been fully considered but they are not persuasive.

Applicants argue Fujiwara does not teach an anonymous access system wherein a computer is connected to wireless user equipment, thus allowing Internet access and the registration program to control the user equipment.

In response, Fujiwara's system is anonymous as the user who purchases the wireless equipment is given a temporary telephone number and ID that is temporarily stored on the phone itself at the time of manufacture (see col. 3 line 60 - col. 4 line 35), thus Fujiwara teaches a system and method of first registering a user in a wireless access network via an established anonymous session between the user and the network as the temporary ID and password given to the wireless equipment is not based on who the user is, but rather, given to the equipment at time of manufacture.

Fujiwara further teaches the mobile unit being connected to a ROM writer (computer / PC) at the time of manufacture and registration so that the temporary DN and ID are given to the unit and communicating over a public network (at least Fig. 2; col. 3 line 60 - col. 4 line 35).

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited Freitag et al in addition to previously cited Chatterjee et al, Jones et al, and Ronneke are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd 

Patent Examiner

Technology Center 2100

  
SALEH NAJJAR  
PRIMARY EXAMINER